

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

FREDERICK W. ADKINS,

Petitioner,

vs.

DWIGHT NEVEN, *et al.*,

Respondents.

2:13-cv-02170-JCM-PAL

**ORDER**

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner. On September 4, 2014, respondents filed a motion to dismiss the petition, along with supporting exhibits. (ECF Nos. 18-25). On September 4, 2014, the Court issued a minute order regarding the requirements of *Klinge v. Eikenberry*, 849 F.2d 409 (9<sup>th</sup> Cir. 1988) and *Rand v. Rowland*, 154 F.3d 952 (9<sup>th</sup> Cir. 1998). (ECF No. 28). This notice informed petitioner of his right to file an opposition to the pending motion to dismiss in this action. (ECF No. 28).

Petitioner has filed a motion in which he states that he has not received a copy of respondents' motion to dismiss or the exhibits thereto. (ECF No. 29). Petitioner states that he was recently transferred from Ely State Prison to High Desert State Prison. (*Id.*). On September 19,

1 2014, petitioner filed a notice of change of address reflecting his new address at High Desert State  
2 Prison (HDSP). (ECF No. 30). The certificate of service accompanying the motion to dismiss  
3 indicates that petitioner was served with the motion at Ely State Prison. (ECF No. 18, at p. 24). The  
4 certificate of service accompanying the index of exhibits in support of the motion to dismiss also  
5 indicates that petitioner was served at Ely State Prison. (ECF No. 19, at p. 12). Petitioner requests  
6 that the respondents serve him with a copy of the motion to dismiss and the supporting exhibits at his  
7 new address. Good cause appearing, respondents are directed to serve petitioner, at his new address  
8 of High Desert State Prison, with a copy of the motion to dismiss and all supporting exhibits within  
9 10 days from the date of filing of this order. Once service is accomplished, respondents shall file a  
10 notice with the court indicating their compliance with this order.

11 Petitioner also requests a 45-day extension of time in which to file a response to the motion  
12 to dismiss. Good cause appearing, petitioner is granted 45 days from the date on which he is served  
13 with the motion to dismiss and exhibits in which to file his response to the same. Finally, the court  
14 notes that after the instant motion was filed, the clerk of court received and filed two exact copies of  
15 petitioner's motion. (*Compare* ECF No. 29 with ECF Nos. 31 & 32). As such, the duplicate  
16 motions filed at ECF Nos. 31 & 32 are denied as moot.

17 **IT IS THEREFORE ORDERED** that petitioner's motion for respondents to serve him with  
18 a copy of the motion to dismiss and the supporting exhibits (ECF No. 29) is **GRANTED**.

19 **IT IS FURTHER ORDERED** that respondents **SHALL SERVE** petitioner at his new  
20 address (High Desert State Prison) with a copy of the pending motion to dismiss (ECF No. 18) and  
21 all supporting exhibits (ECF Nos. 19-25) within **ten (10) days** from the date of filing of this order.  
22 Respondents **SHALL FILE** a notice of compliance with the court once service of the motion and  
23 exhibits has been accomplished.

24 **IT IS FURTHER ORDERED** that petitioner's motion for an extension of time (ECF No.  
25 29) in which to file his response to the pending motion to dismiss is **GRANTED**. Within **forty-five**  
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1 (45) days from the date on which petitioner is served with the motion to dismiss and exhibits,  
2 petitioner **SHALL FILE** his response to the motion.

3 **IT IS FURTHER ORDERED** that the duplicate motions filed at ECF Nos. 31 & 32 are  
4 **DENIED AS MOOT.**

5 Dated September 26, 2014.

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8 UNITED STATES DISTRICT JUDGE  
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